



February 20, 2001

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## HOUSE BILL No. 1066

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DIGEST OF HB 1066 (Updated February 19, 2001 2:19 PM - DI 105)

**Citations Affected:** IC 9-24; IC 9-25; IC 9-29; IC 35-43.

**Synopsis:** Failure to pay for motor vehicle fuel. Provides that if a person commits theft or conversion in which the person knowingly or intentionally leaves the place where fuel was dispensed into the fuel tank of the person's motor vehicle without paying or authorizing payment for the gasoline or motor vehicle fuel, the driving license of a person shall be suspended for 30 days, subject to reinstatement upon payment of a ten dollar reinstatement fee. Provides exceptions to the requirement that a person whose driver's license or vehicle registration has been suspended for reasons other than for failure to provide proof of financial responsibility provide the bureau of motor vehicles a certificate of compliance concerning financial responsibility. Makes conforming amendments.

**Effective:** July 1, 2001.

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### Crooks, Steele

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January 8, 2001, read first time and referred to Committee on Courts and Criminal Code.  
February 19, 2001, amended, reported — Do Pass.

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HB 1066—LS 6408/DI 96+



February 20, 2001

First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

## HOUSE BILL No. 1066

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 9-24-15-6.7 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 6.7. (a) If a petitioner  
3 whose driving license or permit is suspended under IC 9-25-6-19,  
4 **IC 9-25-6-20, or IC 9-25-6-21** proves to the satisfaction of the court  
5 that public transportation is unavailable for travel by the petitioner:

6 (1) to and from the petitioner's regular place of employment;

7 (2) in the course of the petitioner's regular employment;

8 (3) to and from the petitioner's place of worship; or

9 (4) to participate in visitation with the petitioner's children  
10 consistent with a court order granting visitation;

11 the court may grant a petition for a restricted driving permit filed under  
12 this chapter.

13 (b) A restricted driving permit issued by the bureau under this  
14 section must specify that the restricted driving permit is valid only for  
15 purposes of driving under the conditions described in subsection (a).

16 (c) A restricted driving permit issued by the bureau under this  
17 section shall be:

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- 1 (1) issued in the same manner; and  
 2 (2) subject to all requirements;  
 3 as other permits under this chapter.

4 SECTION 2. IC 9-25-6-14 IS AMENDED TO READ AS  
 5 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 14. (a) ~~Except as~~  
 6 ~~provided in subdivision (3); subsection (b); and section 3.5 of this~~  
 7 ~~chapter, the suspension of a current driving license or vehicle~~  
 8 ~~registration, or both, under this chapter remains in effect for ninety (90)~~  
 9 ~~days. Subject to section 15 of this chapter, The bureau shall reinstate~~  
 10 ~~the current driving license or vehicle registration, or both:~~

11 (1) **subject to section 15 of this chapter**, after ninety (90) days  
 12 **of suspension:**

13 (A) **except as provided in sections 19, 20, and 21(b) of this**  
 14 **chapter, if** the person has furnished the bureau with a  
 15 certificate of compliance showing that financial responsibility  
 16 is in effect with respect to the vehicle; **or**

17 ~~(2) after ninety (90) days~~ (B) if the person is no longer an  
 18 owner of the vehicle or the registration of the vehicle has been  
 19 canceled or has expired; ~~or~~

20 (2) **if the person is subject to section 21(b) of this chapter and**  
 21 **to IC 9-29-13-1, after thirty (30) days of suspension;**

22 (3) **subject to section 15 of this chapter**, when the person  
 23 furnishes the bureau with a certificate of compliance showing that  
 24 financial responsibility is in effect with respect to the vehicle if:

25 (A) subdivision ~~(2)~~ (1)(B) does not apply; and

26 (B) the person fails to furnish the bureau with a certificate of  
 27 compliance as described in subdivision (1)(A) within ninety  
 28 (90) days after the current driving license of the person is  
 29 suspended; **or**

30 ~~(b)~~ (4) if financial responsibility was in effect with respect to a  
 31 vehicle on the date of the accident but the person does not provide  
 32 the bureau with a certificate of compliance indicating this fact  
 33 until after the person's current driving license is suspended under  
 34 this chapter, the person's current driving license shall be  
 35 reinstated when the person provides the certificate of compliance  
 36 to the bureau and complies with section 15 of this chapter.

37 ~~(c)~~ (b) Upon receipt of a certificate of compliance under this  
 38 section, the bureau shall expunge from the bureau's data base the  
 39 administrative suspension caused by the failure to notify the bureau  
 40 that the person had financial responsibility in effect on the date of the  
 41 violation.

42 SECTION 3. IC 9-25-6-21 IS ADDED TO THE INDIANA CODE



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1 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY  
2 1, 2001]: **Sec. 21. (a)** Upon receiving an order issued by a court  
3 under IC 35-43-4-8(b) concerning a person convicted of fuel theft,  
4 the bureau shall do the following:

5 (1) Suspend under subsection (b) the driving privileges of the  
6 person who is the subject of the order, whether or not the  
7 person's current driving license accompanies the order.

8 (2) Mail to the last known address of the person who is the  
9 subject of the order a notice:

10 (A) stating that the person's driving license is being  
11 suspended for fuel theft;

12 (B) setting forth the date on which the suspension takes  
13 effect and the date on which the suspension terminates;  
14 and

15 (C) stating that the person may be granted a restricted  
16 driving permit under IC 9-24-15-6.7 if the person meets the  
17 conditions for obtaining a restricted driving permit.

18 (b) The suspension of the driving privileges of a person who is  
19 the subject of an order issued under IC 35-43-4-8(b):

20 (1) begins five (5) business days after the date on which the  
21 bureau mails the notice to the person under subsection (a)(2);  
22 and

23 (2) terminates thirty (30) days after the suspension begins.

24 (c) A person who operates a motor vehicle during a suspension  
25 of the person's driving privileges under this section commits a  
26 Class A infraction unless the person's operation of the motor  
27 vehicle is authorized by a restricted driving permit issued to the  
28 person under IC 9-24-15-6.7.

29 SECTION 4. IC 9-29-13-1 IS AMENDED TO READ AS  
30 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. The fee for the  
31 reinstatement of operating or registration privileges that have been  
32 suspended by administrative action under this title **or by court order**  
33 **under IC 9-25-6-21** is ten dollars (\$10).

34 SECTION 5. IC 35-43-4-8 IS ADDED TO THE INDIANA CODE  
35 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY  
36 1, 2001]: **Sec. 8. (a)** A conviction for an offense under section 2 of  
37 this chapter or section 3 of this chapter that involves exerting  
38 unauthorized control over gasoline or motor vehicle fuel:

39 (1) by operation of a motor vehicle to leave the premises of an  
40 establishment at which gasoline or motor vehicle fuel is  
41 offered for sale after the gasoline or motor vehicle fuel has  
42 been dispensed into the fuel tank of the motor vehicle; and

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1 (2) without payment or authorization of payment by a credit  
2 card, debit card, charge card, or similar method of payment;  
3 shall result in the suspension of the driving privileges of the person.

4 (b) The court imposing sentence for a violation under subsection  
5 (a) shall issue an order to the bureau of motor vehicles:

6 (1) stating that the person has been convicted of an offense  
7 under section 2 of this chapter or section 3 of this chapter  
8 involving the unauthorized taking of gasoline or motor vehicle  
9 fuel; and

10 (2) ordering the suspension of the person's driving privileges  
11 under IC 9-25-6-21.

12 The suspension of a person's driving privileges under this section  
13 is in addition to other penalties prescribed by IC 35-50-3-2 for a  
14 Class A misdemeanor or by IC 35-50-2-7 for a Class D felony.

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1066, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 21, delete "ninety (90)" and insert "**thirty (30)**".

Page 3, line 3, delete "35-43-4-2.5(e)" and insert "**35-43-4-8(b)**".

Page 3, line 19, delete "35-43-4-2.5(e)" and insert "**35-43-4-8(b)**".

Page 3, line 23, delete "ninety (90)" and insert "**thirty (30)**".

Page 3, delete lines 34 through 42 and begin a new paragraph and insert:

"SECTION 5. IC 35-43-4-8 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2001]: **Sec. 8. (a) A conviction for an offense under section 2 of this chapter or section 3 of this chapter that involves exerting unauthorized control over gasoline or motor vehicle fuel:**

**(1) by operation of a motor vehicle to leave the premises of an establishment at which gasoline or motor vehicle fuel is offered for sale after the gasoline or motor vehicle fuel has been dispensed into the fuel tank of the motor vehicle; and**

**(2) without payment or authorization of payment by a credit card, debit card, charge card, or similar method of payment; shall result in the suspension of the driving privileges of the person.**

**(b) The court imposing sentence for a violation under subsection (a) shall issue an order to the bureau of motor vehicles:**

**(1) stating that the person has been convicted of an offense under section 2 of this chapter or section 3 of this chapter involving the unauthorized taking of gasoline or motor vehicle fuel; and**

**(2) ordering the suspension of the person's driving privileges under IC 9-25-6-21.**

**The suspension of a person's driving privileges under this section is in addition to other penalties prescribed by IC 35-50-3-2 for a Class A misdemeanor or by IC 35-50-2-7 for a Class D felony".**

Page 4, delete lines 1 through 30.

and when so amended that said bill do pass.

(Reference is to HB 1066 as introduced.)

DVORAK, Chair

Committee Vote: yeas 11, nays 0.

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